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7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
10

11 LINDA COOPER, Individually, And
On Behalf of The Estate of Decedent,
12 ELINA QUINN BRANCO,

13 Plaintiff,

14 v.

15 COUNTY OF SAN LUIS OBISPO, a
governmental entity, form unknown;
16 SIERRA MENTAL WELLNESS
GROUP, a California Non-Profit
17 Corporation; JASON HOOSON,
individually, SAVANNAH
18 WILLIAMS, individually; JOSH
SIMPSON, individually; BONNIE
19 SAYERS, individually; JULIA TIDIK,
individually; BETHANY AURIOLES,
20 individually; JANET BROWN,
individually; SHELE WATSON,
21 individually; DOES 1 through 10,
inclusive,
22

23 Defendants.

Case No. 2:24-cv-08187-DDP-AJR
The Hon. Dean D. Pregerson
Magistrate Judge A. Joel Richlin

**ANSWER OF BONNIE SAYERS TO
PLAINTIFF'S COMPLAINT FOR
DAMAGES AND DEMAND FOR
JURY TRIAL**

Trial Date: None

24 COMES NOW Defendant BONNIE SAYERS ("Defendant") and hereby
25 submits this Answer ("Answer") to Plaintiff LINDA COOPER's, Individually, and
26 on Behalf of the Estate of Decedent, ELINA QUINN BRANCO ("Plaintiff")
27 Complaint for Damages, ("Complaint"). The numbered paragraphs in this Answer

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1 correspond to the numbered paragraphs of the Complaint. Any allegation that is not
2 specifically admitted is denied. Defendant answers as follows:

3 **ANSWER TO COMPLAINT**

4 1. Paragraph 1 contains conclusions of law with respect to the legal
5 capacity of Plaintiff to bring the claims on the decedent's behalf, to which no
6 response is required. To the extent a response is required, Defendant lacks sufficient
7 knowledge or information to form a belief about the allegations in this paragraph,
8 and on that basis denies them.

9 2. Defendant admits that, on information and belief, decedent Elina Quinn
10 Branco was a client at San Luis Obispo Crisis Stabilization Unit operated by Sierra
11 Mental Wellness Group. The remainder of this paragraph contains conclusions of
12 law with respect to the parties named as Defendants and the causes of action against
13 them to which no response is required. To the extent a response is required,
14 Defendant denies all allegations not specifically admitted herein.

15 3. Defendant denies the allegations in paragraph with respect to
16 Defendant.

17 4. Defendant admits that the action is purportedly brought under the U.S.
18 Constitution, 42 U.S.C. § 1983, and under state statutes. Defendant denies that the
19 death of decedent was caused by any action or omission of Defendant.

20 5. Defendant lacks sufficient knowledge or information to form a belief
21 about the allegations in this paragraph, and on that basis denies them.

22 6. Defendant lacks sufficient knowledge or information to form a belief
23 about the allegations in this paragraph, and on that basis denies them.

24 7. Defendant lacks sufficient knowledge or information to form a belief
25 about the allegations in this paragraph, and on that basis denies them.

26 8. Defendant admits the allegations in this paragraph.

27 9. Defendant admits that the decedent was a client at the Crisis
28 Stabilization Unit operated by Sierra Mental Health Wellness Group.

1 10. Defendant admits the allegations in this paragraph.

2 11. Defendant lacks sufficient knowledge or information to form a belief
3 about the allegations in this paragraph, and on that basis denies them.

4 12. Defendant admits the allegations in this paragraph.

5 13. Defendant admits the allegations in this paragraph on information and
6 belief.

7 14. Defendant admits the allegations in this paragraph on information and
8 belief.

9 15. Defendant lacks sufficient knowledge or information to form a belief
10 about the allegations in this paragraph, and on that basis denies them.

11 16. Defendant lacks sufficient knowledge or information to form a belief
12 about the allegations in this paragraph, and on that basis denies them.

13 17. Defendant lacks sufficient knowledge or information to form a belief
14 about the allegations in this paragraph, and on that basis denies them.

15 18. Defendant lacks sufficient knowledge or information to form a belief
16 about the allegations in this paragraph, and on that basis denies them.

17 19. Defendant admits Ms. Brown was employed by Sierra Mental Wellness
18 Group as a licensed psychiatric technician at the time of the alleged incident. The
19 remainder of the paragraph contains conclusions of law to which no response is
20 required. Defendant denies all remaining allegations not specifically admitted
21 herein.

22 20. Defendant admits Defendant was employed by Sierra Mental Wellness
23 Group at the time of the alleged incident. The remainder of the paragraph contains
24 conclusions of law to which no response is required. Defendant denies all remaining
25 allegations not specifically admitted herein.

26 21. Defendant lacks sufficient knowledge or information to form a belief
27 about the allegations in this paragraph, and on that basis denies them.

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22. Defendant lacks sufficient knowledge or information to form a belief about the allegations in this paragraph, and on that basis denies them.

23. Defendant lacks sufficient knowledge or information to form a belief about the allegations in this paragraph, and on that basis denies them.

24. Defendant denies the allegations in this paragraph.

25. Defendant lacks sufficient knowledge or information to form a belief about the allegations in this paragraph, and on that basis denies them.

26. This paragraph contains conclusions of law with respect to fictitiously named defendants, to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information to form a belief about the truth of the background allegations in this paragraph, and therefore deny them.

27. This paragraph contains conclusions of law with respect to fictitiously named defendants, to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information to form a belief about the truth of the background allegations in this paragraph, and therefore deny them.

28. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information to form a belief about the truth of the background allegations in this paragraph, and therefore deny them.

29. Defendant lacks sufficient knowledge or information to form a belief about the allegations in this paragraph, and on that basis denies them.

30. Defendant lacks sufficient knowledge or information to form a belief about the allegations in this paragraph, and on that basis denies them.

31. Defendant lacks sufficient knowledge or information to form a belief about the allegations in this paragraph, and on that basis denies them.

32. Defendant lacks sufficient knowledge or information to form a belief about the allegations in this paragraph, and on that basis denies them.

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1 33. Defendant lacks sufficient knowledge or information to form a belief
2 about the allegations in this paragraph, and on that basis denies them.

3 34. Defendant lacks sufficient knowledge or information to form a belief
4 about the allegations in this paragraph, and on that basis denies them.

5 35. Defendant lacks sufficient knowledge or information to form a belief
6 about the allegations in this paragraph, and on that basis denies them.

7 36. Defendant lacks sufficient knowledge or information to form a belief
8 about the allegations in this paragraph, and on that basis denies them.

9 37. Defendant lacks sufficient knowledge or information to form a belief
10 about the allegations in this paragraph, and on that basis denies them.

11 38. Defendant lacks sufficient knowledge or information to form a belief
12 about the allegations in this paragraph, and on that basis denies them.

13 39. Defendant lacks sufficient knowledge or information to form a belief
14 about the allegations in this paragraph, and on that basis denies them.

15 40. Defendant lacks sufficient knowledge or information to form a belief
16 about the allegations in this paragraph, and on that basis denies them.

17 41. Defendant lacks sufficient knowledge or information to form a belief
18 about the allegations in this paragraph, and on that basis denies them.

19 42. Defendant lacks sufficient knowledge or information to form a belief
20 about the allegations in this paragraph, and on that basis denies them.

21 43. Defendant lacks sufficient knowledge or information to form a belief
22 about the allegations in this paragraph, and on that basis denies them.

23 44. Defendant lacks sufficient knowledge or information to form a belief
24 about the allegations in this paragraph, and on that basis denies them.

25 45. Defendant lacks sufficient knowledge or information to form a belief
26 about the allegations in this paragraph, and on that basis denies them.

27 46. Defendant lacks sufficient knowledge or information to form a belief
28 about the allegations in this paragraph, and on that basis denies them.

1 47. Defendant lacks sufficient knowledge or information to form a belief
2 about the allegations in this paragraph, and on that basis denies them.

3 48. Defendant admits Hoosan “handed off” the decedent to staff at the
4 Crisis Stabilization Unit. All other allegations not specifically admitted herein are
5 denied.

6 49. Defendant lacks sufficient knowledge or information to form a belief
7 about the allegations in this paragraph, and on that basis denies them.

8 50. Defendant lacks sufficient knowledge or information to form a belief
9 about the allegations in this paragraph, and on that basis denies them.

10 51. Defendant admits a shift change occurred at approximately 7:30 p.m.
11 wherein Defendant started her shift.

12 52. Defendant lacks sufficient knowledge or information to form a belief
13 about the allegations in this paragraph, and on that basis denies them.

14 53. Defendant lacks sufficient knowledge or information to form a belief
15 about the allegations in this paragraph, and on that basis denies them.

16 54. Defendant lacks sufficient knowledge or information to form a belief
17 about the allegations in this paragraph, and on that basis denies them.

18 55. Defendant denies the allegations in this paragraph as to Defendant. As
19 to the other Defendants, Defendant lacks sufficient knowledge or information to
20 form a belief about the allegations in this paragraph, and on that basis denies them.

21 56. Defendant lacks sufficient knowledge or information to form a belief
22 about the allegations in this paragraph, and on that basis denies them.

23 57. Defendant lacks sufficient knowledge or information to form a belief
24 about the allegations in this paragraph, and on that basis denies them.

25 58. Defendant lacks sufficient knowledge or information to form a belief
26 about the allegations in this paragraph, and on that basis denies them.

27 59. Defendant admits she spoke with someone who was purportedly the
28 decedent’s mother the morning of May 16th, and that Defendant communicated that

1 everyone was still sleeping. Defendant lacks sufficient knowledge or information to
2 form a belief about the remaining allegations in this paragraph, and on that basis
3 denies them.

4 60. Defendant admits she spoke with someone who was purportedly the
5 decedent's mother the morning of May 16th, and that Defendant communicated that
6 everyone was still sleeping. Defendant lacks sufficient knowledge or information to
7 form a belief about the remaining allegations in this paragraph, and on that basis
8 denies them.

9 61. Defendant lacks sufficient knowledge or information to form a belief
10 about the allegations in this paragraph, and on that basis denies them.

11 62. Defendant denies the allegations in this paragraph.

12 63. Defendant denies the allegations in this paragraph.

13 64. Defendant lacks sufficient knowledge or information to form a belief
14 about the allegations in this paragraph, and on that basis denies them.

15 65. Defendant denies the allegations in this paragraph.

16 66. Defendant denies the allegations in this paragraph.

17 67. Defendant denies the allegations in this paragraph.

18 68. Defendant denies the allegations in this paragraph.

19 69. Defendant admits she spoke with someone who was purportedly the
20 decedent's mother the morning of May 16th, and that Defendant communicated that
21 everyone was still sleeping. Defendant denies all other allegations in this paragraph.

22 70. Defendant lacks sufficient knowledge or information to form a belief
23 about the allegations in this paragraph, and on that basis denies them.

24 71. Defendant admits the allegations in this paragraph.

25 72. Defendant lacks sufficient knowledge or information to form a belief
26 about the allegations in this paragraph, and on that basis denies them.

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1 73. Defendant admits that the decedent, on information and belief, was
2 admitted to the Crisis Stabilization Unit as a 5150 hold. The remaining allegations in
3 this paragraph contains conclusions of law, to which no response is required.

4 74. Defendant lacks sufficient knowledge or information to form a belief
5 about the allegations in this paragraph, and on that basis denies them.

6 75. Defendant lacks sufficient knowledge or information to form a belief
7 about the allegations in this paragraph, and on that basis denies them.

8 76. Defendant lacks sufficient knowledge or information to form a belief
9 about the allegations in this paragraph, and on that basis denies them.

10 77. Defendant lacks sufficient knowledge or information to form a belief
11 about the allegations in this paragraph, and on that basis denies them.

12 78. Defendant lacks sufficient knowledge or information to form a belief
13 about the allegations in this paragraph, and on that basis denies them.

14 79. Defendant lacks sufficient knowledge or information to form a belief
15 about the allegations in this paragraph, and on that basis denies them.

16 80. Defendant lacks sufficient knowledge or information to form a belief
17 about the allegations in this paragraph, and on that basis denies them.

18 81. The allegations in this paragraph contains conclusions of law, to which
19 no response is required.

20 82. Defendant lacks sufficient knowledge or information to form a belief
21 about the allegations in this paragraph, and on that basis denies them.

22 83. Defendant denies the allegations incorporated into this paragraph to the
23 extent they are denied elsewhere herein. Defendant denies any allegation not
24 specifically admitted.

25 84. Defendant denies she made intentional decisions not to monitor the
26 decedent for signs of medical distress. Defendant denies she made intentional
27 decisions to falsify the decedent's monitoring logs. Defendant lacks sufficient
28 knowledge or information to form a belief about the remaining allegations in this

1 paragraph, and on that basis denies them.

2 85. Defendant denies the allegations in this paragraph.

3 86. Defendant denies the allegations in this paragraph.

4 87. Defendant denies the allegations in this paragraph.

5 88. Defendant denies the allegations in this paragraph.

6 89. Defendant denies the allegations in this paragraph.

7 90. Defendant denies the allegations in this paragraph.

8 91. The allegations in this paragraph contains conclusions of law, to which
9 no response is required. To the extent a response is required, Defendant denies she is
10 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
11 or any of the relief sought thereon.

12 92. Defendant denies the allegations incorporated into this paragraph to the
13 extent they are denied elsewhere herein. Defendant denies any allegation not
14 specifically admitted.

15 93. The allegations in this paragraph contains conclusions of law, to which
16 no response is required. To the extent a response is required, Defendant denies she is
17 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
18 or any of the relief sought thereon.

19 94. Defendant denies the allegations in this paragraph.

20 95. Defendant lacks sufficient knowledge or information to form a belief
21 about the allegations in this paragraph, and on that basis denies them.

22 96. Defendant denies the allegations in this paragraph as to Defendant.
23 Defendant lacks sufficient knowledge or information to form a belief about the
24 remaining allegations in this paragraph, and on that basis denies them.

25 97. The allegations in this paragraph contains conclusions of law, to which
26 no response is required. To the extent a response is required, Defendant denies she is
27 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
28 or any of the relief sought thereon.

1 98. Defendant denies the allegations incorporated into this paragraph to the
2 extent they are denied elsewhere herein. Defendant denies any allegation not
3 specifically admitted.

4 99. The allegations in this paragraph contains conclusions of law, to which
5 no response is required.

6 100. The allegations in this paragraph contains conclusions of law, to which
7 no response is required.

8 101. Defendant denies the allegations in this paragraph pertaining to
9 Defendant. Defendant lacks sufficient knowledge or information to form a belief
10 about the remaining allegations in this paragraph, and on that basis denies them.

11 102. Defendant lacks sufficient knowledge or information to form a belief
12 about the remaining allegations in this paragraph, and on that basis denies them.

13 103. Defendant denies the allegations in this paragraph pertaining to
14 Defendant. Defendant lacks sufficient knowledge or information to form a belief
15 about the remaining allegations in this paragraph, and on that basis denies them.

16 104. Defendant denies the allegations in this paragraph pertaining to
17 Defendant. Defendant lacks sufficient knowledge or information to form a belief
18 about the remaining allegations in this paragraph, and on that basis denies them.

19 105. Defendant denies the allegations in this paragraph pertaining to
20 Defendant. Defendant lacks sufficient knowledge or information to form a belief
21 about the remaining allegations in this paragraph, and on that basis denies them.

22 106. The allegations in this paragraph contains conclusions of law, to which
23 no response is required. To the extent a response is required, Defendant denies she is
24 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
25 or any of the relief sought thereon.

26 107. Defendant denies the allegations incorporated into this paragraph to the
27 extent they are denied elsewhere herein. Defendant denies any allegation not
28 specifically admitted.

1 108. The allegations in this paragraph contains conclusions of law, to which
2 no response is required.

3 109. Defendant lacks sufficient knowledge or information to form a belief
4 about the remaining allegations in this paragraph, and on that basis denies them.

5 110. Defendant lacks sufficient knowledge or information to form a belief
6 about the remaining allegations in this paragraph, and on that basis denies them.

7 111. Defendant lacks sufficient knowledge or information to form a belief
8 about the remaining allegations in this paragraph, and on that basis denies them.

9 112. Defendant lacks sufficient knowledge or information to form a belief
10 about the remaining allegations in this paragraph, and on that basis denies them.

11 113. The allegations in this paragraph contains conclusions of law, to which
12 no response is required.

13 114. The allegations in this paragraph contains conclusions of law, to which
14 no response is required. To the extent a response is required, Defendant denies she is
15 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
16 or any of the relief sought thereon.

17 115. Defendant denies the allegations incorporated into this paragraph to the
18 extent they are denied elsewhere herein. Defendant denies any allegation not
19 specifically admitted.

20 116. The allegations in this paragraph contains conclusions of law, to which
21 no response is required. To the extent a response is required, Defendant denies she is
22 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
23 or any of the relief sought thereon.

24 117. The allegations in this paragraph contains conclusions of law, to which
25 no response is required. To the extent a response is required, Defendant denies she is
26 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
27 or any of the relief sought thereon.

28 118. The allegations in this paragraph contains conclusions of law, to which

1 no response is required. To the extent a response is required, Defendant denies she is
2 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
3 or any of the relief sought thereon.

4 119. The allegations in this paragraph contains conclusions of law, to which
5 no response is required. To the extent a response is required, Defendant denies she is
6 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
7 or any of the relief sought thereon.

8 120. The allegations in this paragraph contains conclusions of law, to which
9 no response is required. To the extent a response is required, Defendant denies she is
10 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
11 or any of the relief sought thereon.

12 121. The allegations in this paragraph contains conclusions of law, to which
13 no response is required. To the extent a response is required, Defendant denies she is
14 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
15 or any of the relief sought thereon.

16 122. Defendant denies the allegations incorporated into this paragraph to the
17 extent they are denied elsewhere herein. Defendant denies any allegation not
18 specifically admitted.

19 123. The allegations in this paragraph contains conclusions of law, to which
20 no response is required. To the extent a response is required, Defendant denies she is
21 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
22 or any of the relief sought thereon.

23 124. The allegations in this paragraph contains conclusions of law, to which
24 no response is required. To the extent a response is required, Defendant denies she is
25 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
26 or any of the relief sought thereon.

27 125. The allegations in this paragraph contains conclusions of law, to which
28 no response is required. To the extent a response is required, Defendant denies she is

1 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
2 or any of the relief sought thereon.

3 126. The allegations in this paragraph contains conclusions of law, to which
4 no response is required. To the extent a response is required, Defendant denies she is
5 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
6 or any of the relief sought thereon.

7 127. The allegations in this paragraph contains conclusions of law, to which
8 no response is required. To the extent a response is required, Defendant denies she is
9 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
10 or any of the relief sought thereon.

11 128. The allegations in this paragraph contains conclusions of law, to which
12 no response is required. To the extent a response is required, Defendant denies she is
13 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
14 or any of the relief sought thereon.

15 129. The allegations in this paragraph contains conclusions of law, to which
16 no response is required. To the extent a response is required, Defendant denies she is
17 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
18 or any of the relief sought thereon.

19 130. The allegations in this paragraph contains conclusions of law, to which
20 no response is required. To the extent a response is required, Defendant denies she is
21 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
22 or any of the relief sought thereon.

23 131. Defendant denies the allegations incorporated into this paragraph to the
24 extent they are denied elsewhere herein. Defendant denies any allegation not
25 specifically admitted.

26 132. Defendant lacks sufficient knowledge or information to form a belief
27 about the remaining allegations in this paragraph, and on that basis denies them.

28 133. Defendant lacks sufficient knowledge or information to form a belief

1 about the remaining allegations in this paragraph, and on that basis denies them.

2 134. Defendant lacks sufficient knowledge or information to form a belief
3 about the remaining allegations in this paragraph, and on that basis denies them.

4 135. Defendant lacks sufficient knowledge or information to form a belief
5 about the remaining allegations in this paragraph, and on that basis denies them.

6 136. Defendant lacks sufficient knowledge or information to form a belief
7 about the remaining allegations in this paragraph, and on that basis denies them.

8 137. Defendant denies the allegations incorporated into this paragraph to the
9 extent they are denied elsewhere herein. Defendant denies any allegation not
10 specifically admitted.

11 138. The allegations in this paragraph contains conclusions of law, to which
12 no response is required.

13 139. The allegations in this paragraph contains conclusions of law, to which
14 no response is required.

15 140. The allegations in this paragraph contains conclusions of law, to which
16 no response is required. To the extent a response is required, Defendant denies she is
17 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
18 or any of the relief sought thereon.

19 141. The allegations in this paragraph contains conclusions of law, to which
20 no response is required. To the extent a response is required, Defendant denies she is
21 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
22 or any of the relief sought thereon.

23 142. The allegations in this paragraph contains conclusions of law, to which
24 no response is required. To the extent a response is required, Defendant denies she is
25 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
26 or any of the relief sought thereon.

27 143. The allegations in this paragraph contains conclusions of law, to which
28 no response is required. To the extent a response is required, Defendant denies she is

1 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
2 or any of the relief sought thereon.

3 144. The allegations in this paragraph contains conclusions of law, to which
4 no response is required. To the extent a response is required, Defendant denies she is
5 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
6 or any of the relief sought thereon.

7 145. Defendant denies the allegations incorporated into this paragraph to the
8 extent they are denied elsewhere herein. Defendant denies any allegation not
9 specifically admitted.

10 146. The allegations in this paragraph contains conclusions of law, to which
11 no response is required.

12 147. The allegations in this paragraph contains conclusions of law, to which
13 no response is required. To the extent a response is required, Defendant denies she is
14 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
15 or any of the relief sought thereon.

16 148. Defendant lacks sufficient knowledge or information to form a belief
17 about the remaining allegations in this paragraph, and on that basis denies them.

18 149. The allegations in this paragraph contains conclusions of law, to which
19 no response is required. To the extent a response is required, Defendant denies she is
20 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,
21 or any of the relief sought thereon.

22 150. To the extent a response is required, Defendant denies she is liable to
23 Plaintiff for any of the claims or causes of action asserted in the Complaint, or any
24 of the relief sought thereon.

25 151. To the extent a response is required, Defendant denies she is liable to
26 Plaintiff for any of the claims or causes of action asserted in the Complaint, or any
27 of the relief sought thereon.

28 152. The remaining paragraphs of the Complaint contain Plaintiff's

1 requested relief, to which no response is required. To the extent a response may be
2 required, Defendants deny the allegations contained in the Complaint's remaining
3 paragraphs and further deny Plaintiff is entitled to any relief from Defendant. Any
4 allegation not specifically addressed is denied.

5 6 **AFFIRMATIVE DEFENSES**

7 Defendants assert the following affirmative defenses as separate and distinct
8 defenses to the Complaint, and each and every cause of action thereof. Defendant
9 does not concede that Defendant has the burden of production or proof as to any
10 affirmative defenses set forth below. Further, Defendant does not presently know all
11 of the facts concerning the conduct of Plaintiff sufficient to state all affirmative
12 defenses at this time. Defendant is informed and believe that a reasonable
13 opportunity for investigation and discovery will reveal facts in support of the
14 following affirmative defenses.

15 **FIRST AFFIRMATIVE DEFENSE**

16 AS A SEPARATE DEFENSE Defendant is informed and believes neither the
17 Complaint nor any cause of action in the Complaint states facts sufficient to constitute a
18 cause of action against this appearing Defendant.

19 **SECOND AFFIRMATIVE DEFENSE**

20 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
21 complaint and each cause of action contained therein are barred by the applicable statutes of
22 limitation, including, but not limited to, sections 335.1, 338, and 343 of the Code of Civil
23 Procedure.
24

25 **THIRD AFFIRMATIVE DEFENSE**

26 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes
27 Plaintiff's alleged injuries and damages, if any, were aggravated by Plaintiff's failure to use
28 reasonable diligence to mitigate them.

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1 **FOURTH AFFIRMATIVE DEFENSE**

2 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
3 Plaintiff has waived the right to maintain the actions filed in this case.

4 **FIFTH AFFIRMATIVE DEFENSE**

5 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
6 Plaintiff and/or Decedent was guilty of comparative fault or negligence in the matters set
7 forth in the complaint which proximately caused or contributed to the injuries or damages
8 alleged in the complaint.
9

10 **SIXTH AFFIRMATIVE DEFENSE**

11 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
12 codefendants, and each of them, named and unnamed in the Complaint, were guilty of
13 negligence, or other acts or omissions related to the matters set forth in the complaint which
14 proximately caused the injuries and damages alleged therein, if any, and the percentage of
15 negligence attributable to each said codefendant should be determined and allocated
16 accordingly.

17 **SEVENTH AFFIRMATIVE DEFENSE**

18 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
19 Plaintiff had knowledge of the risks and hazards inherent in the events and activities which
20 took place at the times set forth in the complaint, as well as the magnitude of those risks and
21 hazards, and thereafter knowingly and willingly assumed and accepted those risks and
22 hazards.
23

24 **EIGHTH AFFIRMATIVE DEFENSE**

25 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
26 Plaintiff is estopped by action of law or by conduct from maintaining the actions filed in this
27 case.
28

1 **NINTH AFFIRMATIVE DEFENSE**

2 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
3 Plaintiff has “unclean hands” with regard to the relief sought in the complaint and are
4 therefore barred from obtaining such relief.

5 **TENTH AFFIRMATIVE DEFENSE**

6 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes
7 Plaintiff’s behavior at the time of injury constitutes willful misconduct, and Plaintiff is thus
8 barred from seeking recovery based upon the asserted negligence of Defendant.

9 **ELEVENTH AFFIRMATIVE DEFENSE**

10 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
11 actions filed in this case are not maintainable under the doctrine of laches because of
12 Plaintiff’s prejudicial delay in asserting them.

13 **TWELFTH AFFIRMATIVE DEFENSE**

14 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes
15 Plaintiff’s complaint fails to state the existence of a justiciable controversy between the
16 parties.

17 **THIRTEENTH AFFIRMATIVE DEFENSE**

18 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes should
19 loss, damages or detriment have occurred as alleged in Plaintiffs' complaint, then said loss,
20 damage or detriment was actually and proximately caused or contributed to by the
21 negligence or wrongful and/or careless action or omission to act and/or other tortious
22 conduct of persons or entities other than this Defendant.

23 **FOURTEENTH AFFIRMATIVE DEFENSE**

24 AS A FURTHER SEPARATE DEFENSE, Defendant is informed and believes that
25 any action or omission to act on defendant's part, or any action or omission to act on the part
26

1 of any person or any entity for whose actions or omissions defendant is (or may be
2 established to be) legally responsible, did not actually or proximately cause or contribute in
3 any manner or to any degree, to any losses or damages for which recovery is sought by
4 Plaintiff in the complaint.

5 **FIFTEENTH AFFIRMATIVE DEFENSE**

6 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
7 acts or omissions to act, and/or other alleged tortious conduct of persons or entities other
8 than this defendant, actually and proximately caused or contributed to Plaintiff's underlying
9 losses and damages, if any. Accordingly, said actions or omissions to act constituted
10 intervening and superseding causes of the losses or damages, if any, allegedly sustained by
11 the underlying Plaintiff.

12 **SIXTEENTH AFFIRMATIVE DEFENSE**

13 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes
14 Plaintiff's claims are barred due to Plaintiff's and/or Decedent's assumption of the risk,
15 either express or implied, of her alleged injuries and damages.

16 **SEVENTEENTH AFFIRMATIVE DEFENSE**

17 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that
18 should it be found that defendant is in any manner legally responsible for damages sustained
19 by Plaintiff in the underlying action, which defendant specifically denies, Defendant's
20 liability for non-economic damages shall be severally only and not joint, such that this party
21 shall be liable only for the amount of non-economic damages allocated to it in direct
22 proportion to its percentage of fault.

23 **EIGHTEENTH AFFIRMATIVE DEFENSE**

24 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that
25 Plaintiff is barred from recovery because defendant lacked actual or constructive notice of
26 the allegedly dangerous conditions alleged by Plaintiff.

1 **NINETEENTH AFFIRMATIVE DEFENSE**

2 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that if
3 this Defendant is found to have been negligent or at fault in any manner, which is expressly
4 denied, any negligence or fault could only be vicarious, secondary and passive, while the
5 negligence of Plaintiff, and/or Decedent, and/or other defendants, and other third parties,
6 would be active and primary.

7 **TWENTIETH AFFIRMATIVE DEFENSE**

8 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the
9 subject underlying incident was caused by unforeseeable criminal actions of third parties
10 other than Defendant.

11 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

12 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes at all
13 relevant times Defendant relied on a good faith interpretation of law.

14 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

15 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that
16 Plaintiff was not deprived of life, liberty, property, or any other Constitution or statutory
17 right through any act or omission of Defendant.

18 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

19 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believe that hat
20 the Complaint and each purported cause of action therein fails, since the Plaintiff does not
21 describe claims against Defendant with sufficient particularity to enable Defendant to
22 ascertain all of the defenses that may exist. Defendants, therefore, reserves the right to amend
23 Defendant's answer and to assert additional defenses and/or supplement, alter, or change
24 this answer upon completion of appropriate investigation and discovery concerning
25 Plaintiff's claims once the precise nature of the claims made against Defendant is
26 determined.

PRAYER

WHEREFORE, Defendant prays that Plaintiff takes nothing by way of the Complaint and that Defendant have judgment in Defendant's favor, for all costs of suit, attorneys' fees, on all special defenses, and for all other relief that the court may order or award in this case.

DEMAND FOR JURY TRIAL

Defendant hereby demands a jury trial on all claims and allegations asserted by Plaintiff in the Complaint.

DATED: December 6, 2024

Respectfully submitted,

MESSNER REEVES LLP

/s/ Andrew Hollins

Andrew Hollins

Ethan Reimers

Attorneys for Defendants BONNIE
SAYERS and JANET BROWN

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2024, I electronically filed the foregoing **ANSWER OF BONNIE SAYERS TO PLAINTIFF'S COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on the attached service list:

I also certify the document and a copy of the Notice of Electronic Filing was served via on the following non-CM/ECF participants:

/s/ Sabrina Johnson
Sabrina Johnson

Linda Cooper v County of San Luis Obispo, et al.
Case No. 2:24-cv-08187-DDP-AJR

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